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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/692,572

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Daniel Phillip Dailey

10541-1894

9046

29074

7590

04/11/2006

VISTEON

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EXAMINER

GOODEN JR, BARRY J

ART UNIT.

PAPER NUMBER

3616

DATE MAILED: 04/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/692,572

Applicant(s)

DAILEY ET AL.

Examiner

Barry J. Gooden Jr.

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 February 2006 (Amendment filed).
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

#### **DETAILED ACTION**

1. This office action is in response to the amendments filed February 1, 2006. Examiner acknowledges the election of claims 1-16 drawn to an airbag apparatus. Claims 17-20 were canceled by Applicant.

#### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "rear side of said chute being positioned against a front side of the substrate (Claim 1)", must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Specification***

3. The amendment filed February 1, 2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce

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new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

At the "Amendments to the Specification" section "and is welded to", in paragraphs 18 and 19, is objected to. Examiner suggests removing -- and is welded to --, from the specification.

Applicant is required to cancel the new matter in the reply to this Office Action.

#### ***Claim Objections***

4. Claims 1-4 and 6-16 are objected to because of the following informalities:

These claims refer to "weld studs", however the use of this term by applicant refers to studs, as the studs of the Applicant are not welded to any other component. Examiner suggests replacing "weld studs" with -- studs --.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 5, and 6 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lipkin, US Patent 3,778,085.

In regards to claim 1, Lipkin shows all of the claimed elements including a modular airbag door assembly comprising:

an airbag chute (3) having a front side and a rear side and defining an opening extending therethrough;

a door panel (9) pivotally mounted to the front side of the said airbag chute (3) and covering said opening (Column 3, Lines 42-48);

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said airbag door assembly further including a plurality of weld studs (8) extending from said rear side of said airbag chute (3), said weld studs (8) adapted to allow said airbag door assembly to be mounted to a substrate (1) with said rear side of said chute (3) being positioned against a front side of the substrate (1).

In regards to claims 5 and 6, Lipkin shows all of the claimed elements including an instrument panel for an automobile passenger compartment comprising:

a substrate (1) having an outer surface and an inner surface and defining an opening extending therethrough;

a modular airbag door assembly mounted to said outer surface of said substrate (1); and

an airbag device mounted to said modular airbag door assembly adjacent said inner surface of said substrate (1);

an airbag chute (3) having a front side and a rear side and defining an opening extending therethrough;

a door panel (9) pivotally mounted to said front side of said airbag chute (3) and covering said opening;

a plurality of weld studs (8) extending from said rear side of said airbag chute (3), said weld studs (8) engaging said substrate (1) to secure said airbag door assembly onto said outer surface of said substrate (1); and

portions of said airbag chute (3) extending through said opening within said substrate (1), said airbag device being mounted to said portions of said airbag chute (3) that extend through said opening within said substrate (1) adjacent said inner surface of said substrate (1).

7. Claims 1, 2, 4-7, 9, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Garner et al., US Patent 5,527,063.

In regards to claims 1, 2, and 4, Garner et al. show all of the claimed elements including a modular airbag door assembly comprising:

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an airbag chute (22) having a front side and a rear side and defining an opening extending therethrough;

a door panel (80) pivotally mounted to the front side of the said airbag chute (22) and covering said opening;

said airbag door assembly further including a plurality of weld studs (74) extending from said rear side of said airbag chute (22), said weld studs (74) adapted to allow said airbag door assembly to be mounted to a substrate (14) with said rear side of said chute (22) being positioned against a front side of the substrate (14);

further including a seal (80a) extending around an outer periphery of said airbag chute (22) and an outer periphery of said door panel (80) to provide a seal between said outer periphery of said airbag chute (22) and said outer periphery of said door panel (80);

further including a seal (80a) mounted to said rear side of said airbag chute (22) to provide a seal (80a) between said rear side of said airbag chute (22) and a front side of a substrate (14) to which the modular airbag door assembly is to be mounted.

In regards to claims 5-7, 9, 12, and 13, Garner et al. shows all of the claimed elements including an instrument panel for an automobile passenger compartment (16) comprising:

a substrate (14) having an outer surface and an inner surface and defining an opening (12) extending therethrough;

a modular airbag door assembly mounted to said outer surface of said substrate (14); and

an airbag device mounted to said modular airbag door assembly adjacent said inner surface of said substrate (14) (Reference is made to Figure 1);

an airbag chute (22) having a front side and a rear side and defining an opening extending therethrough;

a door panel (80) pivotally mounted to said front side of said airbag chute (22) and covering said opening;

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a plurality of weld studs (74) extending from said rear side of said airbag chute (22), said weld studs (74) engaging said substrate (14) to secure said airbag door assembly onto said outer surface of said substrate (14); and

portions of said airbag chute (22) extending through said opening (12) within said substrate (14), said airbag device being mounted (Reference is made to Figures 1-4) to said portions of said airbag chute (22) that extend through said opening (12) within said substrate (14) adjacent said inner surface of said substrate (14);

further including a seal (80a) extending around an outer periphery of said airbag chute (22) and an outer periphery of said door panel (80) to provide a seal between said outer periphery of said airbag chute (22) and said outer periphery of said door panel (80);

further including a seal (80a) positioned between said outer surface of said substrate (14) and said rear side of said airbag chute (22);

wherein said door panel (80) includes a top flap portion that is secured to the front side of said airbag chute (22) (column 4, lines 38-42);

further including a skin extending over the substrate (14) (Reference is made to Figure 1).

8. Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Dailey et al., US Patent 6,457,739 B1.

In regards to claim 5, Dailey et al. shows all of the claimed elements including an instrument panel (10) for an automobile passenger compartment comprising:

a substrate (12) having an outer (20) and inner (22) surface and defining an opening (14) extending therethrough;

a modular airbag door assembly mounted to the outer surface (20) of the substrate (12);

an airbag device (18) mounted to the modular airbag door assembly adjacent the inner surface (22) of the substrate (12).

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Examiner notes the "weld studs" as defined in the originally submitted specification are mechanical fasteners.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 2, 3, 7, 8, 10, and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipkin in view of Dailey et al.

In regard to claims 2, 3, 7, and 8, Lipkin discloses all of the claimed elements excluding a seal, comprised of tape.

Dailey et al. teaches a seal (40), a piece of tape, extending around an outer periphery of a door panel (24) to provide a seal (40) between the outer periphery of the door panel (24) and the substrate (12).

The seal of Dailey et al. would surround the door and chute as well as a portion of the substrate of Lipkin serving to secure the door panel in a closed position and providing a sealed engagement between the edges of the door panel and the substrate (Dailey Column 2, Lines 30-36).



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It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the safety system of Lipkin in view of the teachings of Dailey et al. to include a seal, comprised of tape so as to provide a secure and hermetic seal between the door, chute and substrate of Lipkin.

In regards to claims 10 and 12, Lipkin discloses all of the claimed elements including a door comprised of a flexible material, which is sufficiently thick to afford protection of the airbag, yet being sufficiently flexible to permit easy expansion of the airbag and a substrate rigid enough to not deform under the force of the deployment of the airbag into hazardous shapes. Lipkin also discloses the door having a top edge fastened to the chute (Column 3, lines 42-48).

Lipkin does not disclose a door panel formed from metal and a substrate formed of plastic.

Dailey et al. teaches of a door panel (24) formed from metal, stamped aluminum with a contoured lip for a pre-determined crease line, and a substrate (12) formed of plastic. Dailey like Lipkin discloses the door panel (24) including a top flap portion that is secured to the front side (20) of the airbag deployment hole (14).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the door panel of Lipkin in view of the teachings of Dailey et al. to include a metal door and a plastic substrate so as to provide a lightweight and durable door capable of protecting the airbag, yet being sufficiently flexible to permit easy expansion of the airbag and so as to provide a substrate sufficiently rigid (Dailey et al., column 1, lines 47-48) to withstand the deployment force of the airbag.

In regards to claims 13-15, Lipkin discloses all of the claimed elements excluding a skin covering, including a weakened pattern, extending over said substrate and foam positioned between the skin covering and the substrate.

Dailey et al. teaches foam (44) positioned between the substrate (12) and a skin covering (42) extending over the substrate (12). The skin covering (42) including a pre-weakened pattern outlining an outer periphery of the door panel (24) and providing no external indicia of the airbag device (18) located

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beneath. The pre-weakened pattern provides a break point to allow a controlled portion of the skin covering (42) immediately over the modular airbag door assembly to break away upon deployment of the airbag device (18) (Column 2, Lines 54-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the instrument panel of Lipkin in view of the teachings of Dailey et al. to include a skin covering, including a weakened portion, extending over the substrate with foam between the substrate and the skin covering so as to conceal the substrate and provide an aesthetically pleasing appearance to the interior of the vehicle (Dailey column 2, lines 37-67).

13. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lipkin in view of Dailey et al. as applied to claim 10 above, and further in view of Teranishi et al., US Patent 6,726,239 B1.

Lipkin in view of Dailey et al. teaches all of the claimed elements as previously discussed, except the door panel having stiffening ribs formed therein.

Teranishi et al. teaches the use of stiffening ribs (58) formed on a door panel (26).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the door panel of Dailey et al. in view of the teachings of Teranishi et al. to include stiffening ribs so as to provide a door panel with enhanced strength.

14. Claim 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Lipkin in view of Dailey et al. as applied to claim 15 above, and further in view of Bauer, US Patent 5,611,564.

Lipkin in view of Dailey et al. teaches all of the claimed elements as previously discussed, except the substrate having an outwardly extending ridge acting as a tear initiator.

Bauer teaches the use of a substrate (48) having an outwardly extending ridge (58) acting as a tear initiator.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the substrate of Dailey et al. in view of the teachings of Bauer to include an outwardly

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extending ridge acting as a tear initiator so as to increase the ability of the foam to tear in the pre-weakened region of the skin.

15. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garner et al. in view of Ukai et al., US Patent 6,082,760.

In regards to claims 10 and 11, Garner et al. shows all of the claimed elements excluding the door being formed of metal and having stiffening ribs therein.

Ukai et al. teaches of using a door panel being formed from metal (46) and having stiffening ribs (66) formed therein.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the door panels of Garner et al. in view of the teachings of Ukai et al. to include a door panel being formed from metal and having stiffening ribs formed therein so as to prevent the air bag door from being damaged when the airbag deploys and so as to provide a door panel with enhanced strength.

With respect to the substrate being formed of plastic, although Garner et al. does not specifically disclose the substrate being formed of plastic, it is conventional in the art to have a substrate formed from a plastic. Accordingly it would have been obvious to one of ordinary skill in the art to have the substrate formed from plastic so as to allow the substrate to be molded.

16. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garner et al. in view of Dailey et al.

In regards to claim 15, Garner et al. shows all of the claimed elements excluding foam positioned between a skin covering an a substrate.

Dailey et al. teaches of foam (44) positioned between a substrate (12) and a skin covering (42).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the skin covering of Garner et al. in view of the teachings of Dailey et al. to include a foam positioned between the substrate and the skin so as to support the skin covering and to provide padding between the skin covering and the substrate (Dailey et al., column 2, lines 40-43).

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***Response to Arguments***

17. Applicant's arguments, see Amendment pages 9-11, filed February 1, 2006, with respect to claim 1, have been fully considered and are persuasive. The rejection of claim 1 as being anticipated by Dailey et al. has been withdrawn.

18. Applicant's arguments, see Amendment pages 9-11, filed February 1, 2006, with respect to claim 5, have been fully considered and are **not** persuasive.

19. Applicant's arguments, see Amendment page 11, with respect to the remaining claims have been considered but are moot in view of the new ground(s) of rejection.


***Conclusion***


20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry J. Gooden Jr. whose telephone number is (571) 272-5135. The examiner can normally be reached on Monday-Friday 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 4/6/06  
Barry J. Gooden Jr.  
Examiner  
Art Unit 3616

 4/6/06  
**PAUL N. DICKSON**  
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